HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V. NAGARJUNA REDDY

WRIT APPEAL No. 46 OF 2007

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Between:

The Agricultural Market Committee,
Fruit Market,
Gaddiannaram, Hyderabad

.... Appellant

AND

M.A. Farooq & others

.....Respondents

:: J U D G M E N T ::

Counsel for the appellant : Shri V.V.N. Narayana Rao

Dated: 25.01.2007

Per G.S.SINGHVI, CJ

This appeal is directed against order dated 03.01.2007 passed by the learned Single Judge in W.P.M.P.No.301 of 2007 in Writ Petition No.236 of 2007 – M.A. Farooq v. Selection Grade Secretary, Hyderabad Agricultural Market Committee, Fruit Market, Gaddiannaram, Hyderabad, whereby he directed the respondent in the writ petition not to finalise the tenders for supply of dry grass used for packing of fruits etc.

In the writ petition filed by them, the respondents have questioned the tender notice issued by the non-petitioner mainly on the ground of violation of Article 19 (1)(g) of the Constitution and the provisions contained in Andhra Pradesh (Agricultural Produce and Livestock) Markets Rules, 1969.

While issuing notice of the writ petition, the learned Single Judge passed the following interim order:

> "There shall be an interim direction to the respondent not to finalise the tenders against Item No.1 of the tender notice dated 18-12-2006, until further orders. However, the other process in pursuance of the said tender notification may go on.
>
> Post this WPMP after Sankranthi Vacation, 2007."

Shri V.V.N. Narayana Rao, learned counsel for the appellant argued that the tender notification impugned in the writ petition was issued to regulate the collection and dumping of the huge quantity of dry grass in the premises of the appellant – market committee and the proposed award of contract will not, in any manner, affect the fundamental legal right of the respondents, who can participate in the tender

process. He submitted that the learned Single Judge gravely erred by passing an interim order, which has the effect of frustrating the tender process.

We have considered the submission of the learned counsel, but have not felt impressed. A reading of the order under challenge shows that while granting interim stay, the learned Single Judge directed listing of the miscellaneous petition after Sankranthi Vacation, 2007. This necessarily means that the miscellaneous petition filed by the respondents is yet to be finally disposed of. This being the position, it is open to the appellant to convince the learned Single Judge that the writ petition is not maintainable due to non-impleadment of the Agricultural Market Committee, Gaddiannaram and that continuance of the interim order would be detrimental to public interest.

Hence, the appeal is dismissed with liberty to the appellant to file an application for listing of WPMP No.301 of 2007. As and when such application is filed, the Registry shall, after seeking instructions from the concerned Bench, list the matter before the Court.

As a sequel to dismissal of the writ appeal, W.A.M.P.No.73 of 2007 filed by the appellant for interim relief is also dismissed.

G.S.SINGHVI, CJ

C.V. NAGARJUNA REDDY, J

25.01.2007
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